

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

CAMBRIN BARNES,
ADC #147871

PLAINTIFF

v. 4:21CV00143-BRW-JTK

DEXTER PAYNE, et al.

DEFENDANTS

ORDER

Plaintiff Barnes, a state inmate incarcerated at the Maximum Security Unit of the Arkansas Division of Correction (ADC), filed this pro se lawsuit against twelve Defendants on February 24, 2021. (Doc. No. 2) The Court granted his Motion to proceed in forma pauperis on March 1, 2021, and directed him to submit an amended Complaint in thirty days, noting that he failed to specify the involvement/actions of each of the named Defendants. (Doc. No. 4) As of this date, Plaintiff has not responded to the Court's March 1, 2021 Order.

However, Plaintiff also filed, on February 24, 2021, a Complaint against four Defendants involving some of the same allegations. Barnes v. Byers, et al., 4:21cv00144-JM-JTK. The Court granted Plaintiff's Motion to Proceed in forma pauperis in that case on March 1, 2021, and directed him to amend. (Doc. No. 4) Plaintiff filed an Amended Complaint in that case on March 10, 2021, and on March 29, 2021, this Court directed the issuance of summons and service on the four Defendants. (Doc. No. 7)

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to

the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

In light of Plaintiff's failure to file an Amended Complaint in this case, the Court finds that his Complaint should be dismissed without prejudice for failure to prosecute. However, because both Complaints involve similar claims and Defendants, the Court finds that in the interests of justice, the March 1, 2021 Order should be rescinded, and that Plaintiff should not be required to pay the \$350 filing fee assessed in that Order. Accordingly,

IT IS, THEREFORE, ORDERED that the March 1, 2021 Order in this case is RESCINDED, and that this Complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 3rd day of May, 2021.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE